

Office Action Summary

Application No.
09/484,538

Applicant(s)
Barry et al

Examiner
Mark Wallerson

Art Unit
2622



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Nov 25, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-18 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

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Part III DETAILED ACTION

Notice to Applicant(s)

1. This action is responsive to the following communications: amendment filed on **11/25/2002.**

2. This application has been reconsidered. Claims 5-18 are pending.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 11 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear to the Examiner how the remainder of the portion of the re-routed print job could be printed (line 5 of claim 11) if a second print engine is not available.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 5, 6, 11, 12, 13, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Yacoub (U. S. 6,452,692).

With respect to claims 5 and 12, Yacoub discloses a method for automatically processing printer errors occurring during printing of a print job (column 2, lines 40-43) in a virtual printer system (column 2, lines 29-31) wherein a virtual printer (column 2, lines 29-31) is configurable with a plurality of physical print engines (multiple printers on the network) (column 2, lines 33-38), comprising the steps of detecting occurrence of an error condition during printing of a portion of a job in one of the print engines (which reads on an error signal is returned by the selected printer [before completion of printing of the job]) (column 2, lines 37-43), and rerouting the remainder of the print job not processed to a second print engine (column 2, lines 40-43).

With regard to claims 6 and 13, Yacoub discloses reading an error signal generated by the print engine (column 5, lines 29-33); interrupting the portion of the print job in which the error

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was generated (sending the job to an alternate printer) (column 7, lines 30-62), and releasing the print engine from the printer system (column 7, lines 1-4).

With respect to claims 11 and 18 (as best understood by the Examiner), Yacoub discloses reconfiguring the virtual printer system if a second print engine is not available (column 7, lines 1-12); printing the re-routed remainder of the print job (column 7, line 55 to column 8, line 8), and assembling the pages of the printed and re-routed print job (column 8, lines 4-8).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 7, 8, 9, 10, 14, 15, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yacoub in view of Takeda et al (Takeda) (U. S. 5,845,057).

With respect to claims 7, 8, 9, 10, 14, 15, 16, and 17, Yacoub differs from claims 7, 8, 9, 10, 14, 15, 16, and 17 in that although he discloses defining the remainder (unprinted) of the portion of the print job (column 8, lines 1-4), he does not clearly disclose attaching a separator page to the remainder of the print job.

Takeda discloses a printing system wherein when an error occurs in a printing system during printing of a print job, the remaining (residual) portion of the print job is sent to a

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substitute printer (column 2, lines 29-41), along with a report sheet (column 2, lines 41-65) which includes the page where the error occurred (column 10, lines 54-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Yacoub to attach a separator page to the remainder of the print job. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Yacoub by the teaching of Takeda in order to achieve convenience to the user and improve the efficiency of print processing as disclosed by Takeda in column 2, lines 60-65.

Response to Arguments

9. Applicant's arguments with respect to claims 5-18 have been considered but are moot in view of the new ground(s) of rejection.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Wallerson whose telephone number is (703) 305-8581.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC 20231

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or faxed to:

(703) 872-9314 (for formal communications intended for entry)

(for informal or draft communications, such as proposed amendments to be discussed at an
interview; please label such communications "PROPOSED" or "DRAFT")

or hand-carried to:

Crystal Park Two

2121 Crystal Drive

Arlington, VA.

Sixth Floor (Receptionist)


MARK WALLERSON
PRIMARY EXAMINER

MARK WALLERSON